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Note verbale dated 7 April 2006 from the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the Republic of Trinidad and Tobago to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004), and has the honour to refer to the latter's note dated 21 June 2004, as well as the letter dated 23 February 2006, concerning the submission by States of their reports on measures taken to implement the provisions of the resolution.

The Permanent Mission has the further honour to transmit the report of the Government of the Republic of Trinidad and Tobago, in accordance with the provisions of paragraph 4 of the above-mentioned resolution (see annex).

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Annex to the note verbale dated 7 April 2006 from the Permanent Mission of Trinidad and Tobago to the United Nations addressed to the Chairman of the Committee

Report of the Government of the Republic of Trinidad and Tobago pursuant to Security Council resolution 1540 (2004)

The Government of Trinidad and Tobago does not possess and has no intention of possessing Weapons of Mass Destruction (WMDs).

The Government of Trinidad and Tobago remains committed to all of the efforts of the international community on the issues of disarmament and non-proliferation of WMDs. This is reflected through its ratification and implementation of various treaties and conventions at the international and regional levels concerning the subject matter in question. These include:

- The Nuclear Non-Proliferation Treaty
- The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (the Chemical Weapons Convention)
- The Convention on Physical Protection of Nuclear Material (CPPNM)
- The Geneva Protocol of 1925
- The Treaty of Tlatelolco and a safeguards agreement with the IAEA

Although Trinidad and Tobago is not yet a State Party to the Biological Weapons Convention, the Ad Hoc Inter-Ministerial Committee on International Humanitarian law is currently examining the Convention with a view to recommending to the executive that Trinidad and Tobago ratify the Convention. It has also been recommended that Trinidad and Tobago sign the Comprehensive Nuclear Test Ban Treaty.

Conscious of the need to prevent the proliferation of WMDs among non-State actors the Government of the Republic of Trinidad and Tobago wishes to confirm that it does not support and does not intend to support non-State actors who attempt to develop, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means or delivery.

Trinidad and Tobago is also a State Party to a number of international conventions against terrorism in keeping with Security Council Resolution 1373. These are as follows:

(a) Convention on Offences and certain other Acts Committed on Board Aircraft, signed at Tokyo on 14th September, 1963;

(b) Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on December 16th, 1970;

(c) Convention for the Suppression of Unlawful Acts against the Safety on Civil Aviation, done at Montreal on 23rd September, 1971;

(d) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations, on 14th December 1973;

(e) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17th December 1979;

(f) Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3rd March, 1980;

(g) Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24th February, 1988;

(h) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10th March, 1988;

(i) Protocol for the Suppression of Unlawful Acts against the Safety of fixed Platforms located on the continental shelf, done at Rome on 10th March, 1988;

(j) Convention on the Marking of Plastic Explosives for the Purposes of Detection, signed at Montreal, on 1st March, 1991;

(k) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15th December, 1997;

Trinidad and Tobago enacted in September 2005, Act No. 26 of 2005, the Anti-Terrorism Act, the purpose of which, *inter alia*, is to criminalize and to provide for the detection, prevention, prosecution, conviction and punishment of terrorist activities and thereby gives effect to the aforementioned international conventions. It should be noted that under the Act "device" means a weapon of mass destruction and "Weapon" includes a firearm, explosive, chemical, biological and nuclear weapon.

The Act also lists among its offences those with regard to nuclear matter or facilities. Section 20(1) provides:

"A person who unlawfully and intentionally

(a) intends to acquire or possesses nuclear material or designs or manufactures or possesses a device, or attempts to manufacture or acquire a device, with the intent

(i) to cause death or serious bodily injury; or
(ii) to cause damage to property or the environment;

(b) uses in any way nuclear material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of nuclear material with the intent -

(i) to cause death or serious bodily injury;
(ii) to cause damage to property or the environment; or

(iii) to compel a natural or legal person, an inter-governmental organization or a State to do or refrain from doing an act,

commits an offence".

The section goes on to provide for the punishment of offenders under the sub-section. The punishment ranges from terms of imprisonment up to twenty years and the imposition of the death penalty where the commission of the offence results in death.

Section 21 of the Act prohibits hoaxes involving noxious substances, noxious thing, lethal device or weapons of mass destruction. The penalty for the commission of an offence under this section is imprisonment for fifteen years.

Section 22 of the Act proscribes the use of chemical, biological or nuclear weapons. The provisions of this section are in keeping with resolution 1540 which in relevant part provides that:

"... all states, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical and biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them."

The offences under section 22 and the penalties prescribed therein show the commitment and resolve of the Government of the Republic of Trinidad and Tobago to prosecute those of its citizens and residents who may commit the stated offences within Trinidad and Tobago and overseas:

"22(1) – a person who, unlawfully and intentionally uses, threatens or attempts or conspires to use chemical, biological or nuclear weapons –

(a) against a citizen of Trinidad and Tobago or a person ordinarily resident in Trinidad and Tobago while either such person is outside Trinidad and Tobago;
(b) against any person within Trinidad and Tobago; or
(c) against any property that is owned, leased or used by the Government of Trinidad and Tobago, whether the property is within or outside of Trinidad and Tobago,

commits an offence and is liable on conviction on indictment to imprisonment for life.

22(2) – a citizen of Trinidad and Tobago or a person ordinarily resident within Trinidad and Tobago who, unlawfully and intentionally, uses chemical, biological or nuclear weapons outside of Trinidad and Tobago commits an offence and is liable on conviction on indictment to imprisonment for life".

Although it is not yet a party to the International Convention for the suppression of the financing of Terrorism, Trinidad and Tobago's Anti-Terrorism Act does give domestic legal effect to certain aspects of that Convention. Additional legislation to give comprehensive effect to the Convention is anticipated.

Trinidad and Tobago is a State Party to the Chemical Weapons Convention. In keeping with its obligations under the Convention and cognizant of the requirements outlined in paragraph 8 of resolution 1540, especially, sub-paragraphs (a), (b), (c) and (d), Trinidad and Tobago has drafted the Chemical Weapons Convention Bill 2004 which was submitted to the Organization for the Prohibition of Chemical Weapons (OPCW) for its comments. The Bill seeks to implement this country's obligations under the Chemical Weapons Convention.

The Bill would provide for a National Authority to serve as the national focal point to liaise with the OPCW and other States Parties as well as fulfil the other obligations under the Convention including: permit the inspections of chemical production facilities to ensure that their activities are not prohibited under the Convention, proscribe the production, stockpiling, retaining or use of chemical weapons and also prohibit import and export, acquisition, development or production of certain types of toxic chemicals or precursors and prosecute other crimes under the Convention.

Trinidad and Tobago has implemented some of its obligations although its draft legislation is still to be enacted by Parliament. It has declared the Ministry of Foreign Affairs as the convenor of its provisional national authority, which is comprised of key stake-holders in both the public and private sectors.

Trinidad and Tobago through its provisional national authority has worked with the local petro-chemical and other relevant industries to inform the sector of its obligations under the Convention. This has enabled the country since 2004 to make annual declarations of Other Chemical Production Facilities (OCPFs) consistent with Article VI and Part IX of the Convention and has subjected the OCPFs to random inspection by inspectors from the Technical Secretariat of the OPCW.

Trinidad and Tobago is a very strong advocate of multilateral cooperation in the areas of non-proliferation and of promoting international cooperation for peaceful purposes, as contemplated in paragraph 8(d) of resolution 1540 and its relationship with the OPCW. To this end, it has participated in regional and international meetings to promote the object and purpose of the Convention and nominated some of its legal, administrative, technical and military officials to participate in programmes on the peaceful use of chemistry sponsored by the OPCW.

Trinidad and Tobago remains committed to the achievement of the objectives contained in resolution 1540 and other multilateral initiatives on the question of international peace and security and disarmament. Trinidad and Tobago sees the attainment of international peace and security as a *sine qua non* of the economic and sustainable development of all regions of the world.